

AN ACT

ENTITLED, An Act to revise certain provisions regarding liability for violations regarding plant quarantines and to establish certain fees for inspections and issuances of certificates for the movement of plants and plant products.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 38-24A-17 be amended to read as follows:

38-24A-17. Any person who violates any of the provisions of this chapter or who alters, forges, counterfeits, or uses without authority any certificate or permit or other document provided for in this chapter or in the rules of the secretary of agriculture provided for in this chapter, is guilty of a Class 1 misdemeanor. In addition, any person is liable in a civil action for all damage that is occasioned or caused by a violation of this chapter.

Section 2. That chapter 38-24A be amended by adding thereto a NEW SECTION to read as follows:

The Department of Agriculture may grant special phytosanitary certificates on any plants or plant products for individual shipment to other states in compliance with the plant inspection and plant quarantine regulations of the state of destination or to foreign countries in compliance with the plant inspection and plant quarantine regulations of the countries of destination.

Section 3. That chapter 38-24A be amended by adding thereto a NEW SECTION to read as follows:

Any owner of plants or plant products intending to ship those plants or plant products into another state or country may apply to the Department of Agriculture for an inspection or for obtaining an official sample. The inspection shall determine the presence of pests or the suitability of processing equipment and grades which would prevent the acceptance of the plants or plant products into other states or countries. Upon receipt of the application, the department may comply with the

request and may issue a certificate of facts disclosed. The fee for inspection, obtaining samples, or issuing certificates are as follows:

- (1) On-site inspection, thirty dollars;
- (2) Field inspection, one hundred dollars for the first acre and one dollar for each additional acre;
- (3) Equipment or facility inspection, seventy-five dollars;
- (4) State certificate, thirty dollars, unless the owner has paid one or more of the fees specified in subdivision (1), (2), or (3) of this section, in which case the fee for a state certificate is ten dollars; and
- (5) Federal certificate, fifty dollars.

Section 4. That § 38-24B-27 be repealed.

Section 5. That § 38-24B-28 be repealed.

An Act to revise certain provisions regarding liability for violations regarding plant quarantines and to establish certain fees for inspections and issuances of certificates for the movement of plants and plant products.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1021

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1021
File No. _____
Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
=====

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor
=====

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State